

**Alexandria Township
Land Use Board
Meeting Minutes August 19, 2021**

Chair Phil Rochelle called the regular scheduled meeting of the Alexandria Township Land Use Board to Order at 7:30pm. The meeting was duly noticed.

Members Present: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Giannone, Pauch, Kimsey and Hahola.

Members Absent: Committeeman Kiernan and Deputy Mayor Pfefferle.

Board Professionals Present: Kara Kaczynski-Attorney, David Banisch-Planner, Tom Decker-Engineer

Others Present:

K Street: Larry Cohen-Attorney, Robert Aromando-Applicant, Peter Fleming-Engineer, Beth McManus - Planner.

Executive Session

A motion was made to go into executive session by **Papazian** and seconded by **Tucker**. **Ayes:** Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Giannone, Pauch, Kimsey and Hahola. **No Nays. Motion Carried.**

A motion was made to close executive session by **Pauch** and seconded by **Papazian**. **Ayes:** Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Giannone, Pauch, Kimsey and Hahola. **No Nays. Motion Carried.**

Minutes Approval

A motion to approve the July 15, 2021 Regular Meeting Minutes of the Land Use Board was made by **Freedman** and seconded by **Kimsey**. **Ayes:** Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Giannone, Pauch, Kimsey and Hahola. **No Nays. Motion Carried.**

New and Pending Matters

- K Street & Peacefield Management Group – Site Plan – Use Variance – Public Hearing - Continuation
Block 15 Lot 10
681 Cty Road 513

Papazian recused himself at 7:45pm. Attorney Cohen advised the continuation of the public hearing from last month.

Kaczynski swore in applicant's planner Beth McManus.

Attorney Cohen asked applicant Papazian to describe the proposed bed & breakfast. He described the existing home as approximately 3,600 square feet. He advised it was used since the 70's as the

managers residence of the previous operator, J&J and housed a cafeteria for all the employees. He described the home, a two story colonial home from the early 1900's. It is an existing 4 bedroom structure. He is proposing to remodel the home, complete additions and double the size to approximately 7,000 to 7,200 square feet. He will provide a bed and breakfast with 6 patron suites and an inn keepers quarters on the left side of the building. Attorney Cohen showed the board a rendering of the proposed bed and breakfast which was marked as exhibit A-5.

The applicant testified that he will not demolish the existing building but will be remodeling and adding on. In addition, adding a second story where currently there is a single story. Attorney Cohen asked how long Papazian has lived in Alexandria. Papazian advised 46 years. Attorney Cohen asked why he believes adding a bed and breakfast would be beneficial to the community. Papazian advised it his idea to update the property. The purpose of the bed and breakfast is to accommodate tourists on the weekends. He advised there are tourists with New York plates that tourists need a place to stay. He continued it's for people to travel and enjoy the country without having an impact to the surrounding neighbors.

The owner of the property will not be running the B&B, therefore a use variance is required. Papazian envisions hiring a retired couple to live at the B&B. They would live at the inn keepers side of the house in a separate suite, take care of the property and provide breakfast. No other meals will be served, except possibly tea in the afternoons. Only patrons renting a room will be able to eat breakfast there.

Attorney Cohen advised that a condition states that a patron can not stay more than 14 days. Papazian advised he doesn't see anyone staying more than 3-4 days. Attorney Cohen asked about the proposed parking. Papazian advised there will be 10 spaces on existing pavement. In addition, there is garage space. Cohen advised he has no further questions with regards to use of the facility.

Chair Rochelle asked if there were any questions from the Board of the witness. **Tucker** asked if the rooms would only be available on the weekends or any day. Papazian advised any day and a maximum stay of 14 days per the Ordinance. **Giannone** asked about the third floor dormers. Papazian advised that space is only for looks. It will be an unoccupied attic. Papazian advised one of the suites will be on the first floor for ADA compliance. **Pauch** asked if it would be for patrons that had dogs in the kennel. Papazian advised it is not for people with dogs. However on occasion someone might fly in from another state for a training class and bring their dog. **Freedman** asked if there were any other amenities on the property. Papazian advised no.

Banisch asked for photographs of existing buildings. Papazian provided 2 photos of the existing single family home. These were marked as exhibit A-6. **Banisch** asked for more detail regarding the building. Cohen asked Papazian if each of the guests suites will have their own private bath. Papazian advised they will. Cohen asked what the common public areas will look like. Papazian advised the first floor will have a foyer, living room, study, and large kitchen. Most of the square footage will be taken up by the suites. **Chair Rochelle** asked if the applicant will share a copy of the architectural drawings. Papazian advised not for about 6-8 months. **Banisch** advised that it could be a condition of the approval to submit a copy of the plans. **Chair Rochelle** advised a set of drawings would be required. Papazian agreed.

Chair Rochelle asked if there are any questions from the public of this witness.

Charlie Chiswick, 7 Bonnell Rd, asked if a variance is permitted to double the size of the building, could it be doubled again at a future date. **Banisch** advised not as a result of this application. It is conceivable that something like that could happen in the future. Papazian advised there are state regulations with regards to hotel sizes and septic. He continued to double the size would require the owner to basically build a sewer treatment plant which is a costly endeavor. Attorney Cohen advised this is a permitted use B&B, however they are asking for relief of two conditions; one of which is to expand an existing building which is not currently permitted under ordinance.

Cohen called the next witness, Peter Fleming, engineer. He was deemed to be an expert witness by the Board. Fleming displayed revised plans with a septic system that was recently approved by the County. Also, additionally shown is the proposed dumpster location and detail of the dumpster enclosure. These were submitted to the Board two weeks ago. **Kacynzski** marked this exhibit with a July 30, 2021 revision date as A-7. Cohen advised there is an enlarged site plan for the B&B with a revision date of July 30, 2021 which was marked as exhibit A-8. The letter that submitted both of these documents to the Board was labeled A-9.

Cohen asked Fleming how many acres the overall property is. Fleming advised it is 81.34. Cohen asked if this is part of a subdivision in which there is a portion that is preserved as farmland. Fleming advised it is and an exception area is located on this portion, which is the area outside of the preserved farmland. In this case the exception area consists of the access roads, the area surrounding the B&B, the barn, as well as the kennel area. The size of the exception area is approximately 9.3 acres. Cohen asked if the existing building and kennel is wholly located within the 9.3 acres exception area. Fleming advised that it is. Fleming advised there are virtually no changes to the site for parking. There is paving and areas for all 10 spaces. Cohen displayed exhibit A-8 showing the parking detail. He advised there is an existing roadway that comes in, with existing drainage. He advised shown is striping for the parking lot, which shows 6 spots for the guests, a handicapped spot, and 3 stalls located from across from the bed and breakfast that will be for workers and associated use. Fleming continued there is a requirement for 8, however 9 plus 1 handicapped are being provided.

Fleming advised a wetlands deliniation was performed showing buffers. Fleming confirmed that an application has been submitted to and granted by the NJDEP. Fleming advised there was a septic permit received from the county and approved by the County which is in the exception area. Fleming explained the type of septic system to be installed.

Cohen asked about the parking area. Fleming advised it is already paved and curbed so it only needs to be striped. He referenced the drainage shown on the exhibit. Fleming advised a revised lighting plan with a revision date of July 30th was marked as exhibit A-10. He advised the lighting for the parking area is down lighting and not visible from the street.

Next Cohen went to sheet 5 for the enlarged kennel facility. There will be 8 ½ parking spaces that will be extended off the existing paving to create enough parking for the kennel facility. Next Fleming went to an updated enlarged area of the parking showing 15 stalls with an additional handicapped parking space added. This was marked as exhibit A-11. Cohen asked the requirement for the kennel parking. Fleming advised 10 for the associated kennels, 5 for the workers and a 15th stall that is handicapped. The added impervious coverage is minimal.

Exhibit A-12 dated July 30th, revision of sheet 10, details the solid waste facility. Fleming advised it is a small container in an 8x8 enclosure with swing gates on a concrete pad that will also be for the bed and breakfast. Cohen asked what the closest residence is from the kennel building. Fleming advised it is approximately 1,800 feet.

Fleming testified that the septic from the kennel will be separate from the B&B and is acceptable for the kennel. The lighting plan shown on sheet 6 of original submission is existing and is all down lighting. The lighting will be LED and mounted on the front and side of the building to light the parking in that area. There is another light in the rear of the building, which will take care of the spaces in the back. There will be only one entrance into the facility. **Decker** asked if the two projects on the site are generating enough impervious coverage to require stormwater management. Fleming referenced sheet A-7 and advised the projects are well below that threshold with less than ¼ acre impervious coverage. **Banisch** and **Decker** advised a condition of the resolution would be to submit the architectural plans, however occupancy in the kennel may proceed before perfecting all of the conditions pertaining to the bed and breakfast only. Cohen advised he would agree and that the bed and breakfast could not proceed without architectural drawings. The drawings would need to be submitted and consistent with the proposal, meaning that the plan would be for two floors totally 7,200 square feet. **Decker** advised some sort of phasing language should be considered.

Decker asked about the pond on site and asked if that is used as a fire hydrant. Papazian advised the fire company was out to inspect the pond and a letter was given, however aeration is needed due to algae. **Giannone** as the fire official expressed concern for an alternative access point. Papazian commented that when he spoke with the fire company, he was advised that the pond would, more than likely, not be used because they have a tanker task force loaded with water that would be used. The pond is a secondary perc if needed.

Decker asked about the timing of the lighting if it would be 24/7 or certain hours. Papazian advised the lighting would be from dusk to dawn for the B&B. The hours for the kennel would likely be the same in case of emergency.

Fritsche asked if a pump down test has been done. Fleming advised a pump down test was not done. The well has been in use to serve a significant amount of agricultural area and is meant to serve 30 dogs and the on-site workers.

Charlie Chiswick, 7 Bonnell Rd, asked if one lane coming in and out from Route 513 will be sufficient for the facility in an emergency or will another access road need to be put in. Fleming advised there is one access lane. **Giannone** advised that he feel that is sufficient.

Giannone asked if the generator shown on the plan will service both the kennel and B&B. Papazian advised it anticipated that there will be separate generators for each location.

Cohen called the next witness, planner Beth McManus. She was deemed to be qualified by the Board. McManus advised the applicant is seeking a D-1 variance, not because these uses are prohibited in the zone but because there are two principle uses on the property. In addition, she advised the applicant is seeking a D-3 conditional use variance since there are two conditions of the B&B that are not met. One requirement is that a family member operate the B&B, where an employee will serve as the manager. The second condition is that the single-family home is not enlarged for a B&B.

Cohen asked McManus if there has in fact been two principle uses on the property as a single-family home and dog facility. McManus agreed that yes there has been two uses: the dog facility and single-family residence. Both uses are conditional uses in the zone. Cohen asked McManus to advise why she feels both principle uses should be granted by the Board. McManus advised fundamentally the property and buildings are suited to the two proposed uses which is not a significant change.

McManus advised that the agricultural exception area is particularly suited to the two proposed uses with two distinct areas connected by a driveway. The other supportive site characteristics is a significantly large property at about 82 acres plus. She continued in the AR district the minimum lot size is 10 acres. Not to get into a yield analysis discussion but at the end of the day, this property could host 10 single family units. An additional benefit to the property is that it is accessed from a county road. The two principal uses are utilizing county access rather than one of the smaller roads.

She highlighted that the buildings themselves are suited for the uses, particularly the kennel, since the dog facility with kennels will be repurposed to provide kennels. This will utilize the existing building the same way. The second building, the single-family home, is appropriate to be converted to a B&B. McManus advised for those reasons the buildings are suited for the two purposes as well as the site.

McManus advised for the purposes of planning, there are 3 purposes of the MLUL that are being supported. The first, purpose a. was sited because the appropriate use, development, and public welfare by located uses on sites that are particularly suited for that use. The second purpose is g. was sited because she believes it is appropriate to reuse these buildings that are best located in rural areas. She believes a bed and breakfast is best located in a rural area because it can take advantage of the natural beauty of this site. She continued one of the typical concerns with kennels is the noise, so in addition to being inside there is 1,800 feet to the nearest neighbor for the kennel. She continued there is very minimal environmental impact. The existing 2% impervious cover even with the additional parking and dumpster pad will still be 2% impervious cover. The last purpose m. was cited due to the efficient use of the land. Another business will not seek property in Alexandria or elsewhere for either of these types of uses.

McManus continued with regards to the negative criteria, she believes there is no substantial public detriment. In her opinion, there is no impact of the use due to the historic uses on the property. There will not be any new construction on the kennel side. There will not be any development on the site that will be visible from the street. There will be 1,800 feet from the kennel use to the nearest single-family residence. The single-family home being used for the B&B may be closer to route 513 but it is not close at 1,400 feet. In addition, the improvements to the B&B will be aesthetically nicer than the current single-family home. She believes the visual impact will be zero. The increased impervious coverage is minimal as it will still be 2% coverage.

The second negative criteria are whether there are any substantial detriment to the zoning plans and what does the master plan say about the district. In section 115-10 of the zoning district, which speaks to the rural and agricultural character and preserving the soils of the zone. She advised she feels that they are fulfilling the zoning district and master plan because the character of the site is not being altered. She feels the rural character will be enhanced. She continued that the proposed development will not alter the vista and views.

McManus advised that there are Master Plan goals that are relevant such as goals and objectives, items #2 – to make sure that development which occurs in the Township takes place in the areas that are appropriate considering environmental factors such as ground water supplies, suitability, steep slopes, agricultural soils, public safety, and public services. She believes this goal is fulfilled by continuing the rural character and maintaining sensitivity to the environmental characteristics. She advised in addition, the application supports goal and objective #3, to encourage rural development in certain areas of the Township leaving other areas relatively free for agricultural and open space. In that manner help serve the agricultural, recreation, and conservation needs of the region. She continued the farmland preservation and use of only the exception areas for this purpose meet that goal. Also goal #4 is supported which is to recognize that landowners have the right to benefit from the development potential of their land while at the same time promoting the local, regional, and statewide interest in retaining land for agricultural/open-space use or preserving environmentally sensitive areas from development. These exception areas and their use of them directly fulfills the intention of this goal. In addition, she advised there is also a goal to establish a positive agricultural business climate to promote agricultural production, the primary industry in Alexandria Township. Lastly, there is language regarding the AR district in the 2012 reexamination which discusses purposes to promote agricultural character and agricultural viability with a variety of techniques to do so.

With regards to the enhanced proof, Medici test, which basically asks if this is such a good idea why the use isn't already in the zoning district. McManus advised it is not unusual for a rural municipality to prohibit two uses on one property. It is an intention to limit the intensity of use especially in rural and agricultural places. She believes this property has a unique area with the exception area. She advised there are two distinct concentrations, which sets the lot apart from other properties.

Cohen asked about the two D-3 variances requested for the conditional use of the B&B. One of the variances is expanding the existing structure, the second for a non-owner to manage the property. McManus advised that she believes the intent of these conditions is to promote continued use and retention of these agricultural properties. The idea is to create viable economic resources to keep the property as it is rather than subdividing the property. The other intent is to help the people living in their homes, to stay in their homes. It gives the individual residences another viable use so that they can have some income. With regards to the two variances requested, she believes the intent is to ensure the property manager is on the property the whole time. Even though it won't be managed by a homeowner, there will be a live-in suite with a two-bedroom unit so that a couple could watch over the property and manage the B&B. This will maintain a low level of activity on the property which will retain the character of the use. This will help to have this business function as a home with additional guests. She continued regarding the expansion of the existing home; it is not a beautiful historic home. Instead, it is a home in need of repair, and this is a proposal to complete a significant upgrade which will look far nicer than the existing home and the character will not be dissimilar of what is seen in Alexandria Township. For these reasons, she feels they are fulfilling the intent of the conditions which is to retain the character of a single-family home.

Cohen asked the fact that the home is being expanded by 3,600 square feet, is it in her opinion that it would have a negative impact on surrounding properties. McManus advised no that she does not believe the building will be visible by the surrounding properties. Cohen advised he has no further questions.

Chair Rochelle asked if there were questions from the Board professionals. **Banisch** commented that both conditional uses are being proposed at the intensity that are permitted by ordinance. McManus advised, yes, they are with 30 dogs for the kennel and 6 guest rooms with one live in unit.

Chair Rochelle asked for comments from the Board. **Canavan** advised the two proposed uses on this 81-acre property were previously the two uses on a 315-acre parcel of property, thereby changing the use in intensity from the history. He asked if McManus feels that is at all significant. McManus advised that while the property has gotten smaller, she does not believe it to be a meaningful change in the intensity given the fact that the lot has not been brought down to a 20-acre lot and they are not newly located uses near single-family uses or the roadway. She believes it will have almost no impact for this particular use. Cohen advised that this property has the largest exception area due to the existing buildings. McManus advised that yes, the property has gotten a lot smaller, but as it relates to the original farm parcel, there is not an intensification across the entire original parcel. These exception areas reflect existing concentrations of improvements or development on the site. This is the same situation on the other properties.

Fritsche asked about affordable housing on the property. McManus advised that the property will create jobs, but neither of those proposals generate an affordable housing obligation. McManus advised that the job cannot be tied to the affordable housing obligation. **Fritsche** advised his question was not answered. **Chair Rochelle** advised **Fritsche** that a question needs to be asked. Cohen advised the chair that these comments were argumentative. **Chair Rochelle** advised the comments are out of line. **Chair Rochelle** asked for additional comments from the Board. There were none of this witness. There were no questions from the public.

Cohen asked Papazian the initial acreage of the original property and how many lots it was subdivided into. Papazian advised it was 318 acres divided into 4 lots which resulted in 75-81 acre lots. He described the other lots and uses. This lot has the largest exception area due to the existing structures. The other 3 lots have exception areas that range from 3 to 4 acres. Cohen asked how the remaining land can be used. Papazian replied agricultural. Cohen asked if the remaining land is permanently restricted, Papazian advised it is. **Canavan** and **Chair Rochelle** asked if it is the applicant's intent to farm the area outside of the exception area. Papazian advised this property has 8 stalls in an existing barn and has 5 horses currently. He advised across the way there is a 6 ½ to 7-acre field which pasture grass has been planted. It is his intention to fence this and put the horses there. **Canavan** asked what will happen with the rest of the land. Papazian advised either corn or soybean will be planted. Papazian advised there are two other lots for sale right now, which would be deed restricted.

Chair Rochelle asked for comments from the public.

Michelle Alberti, 8 Bonnell Rd, asked if the right of way and clearing of trees would provide roadway access and if it would be permitted in the exception area. Papazian advised the wooded areas are deed restricted and a roadway would not be permitted. Papazian advised he gave up the right of way access and are abandoning the use of it. Papazian explained at the time the subdivision was done it was a good planning practice to provide access ways to the property.

Charlie Chiswick, 7 Bonnell Rd, asked with regards to the exception areas on the other 3 properties, if they can only be used for residences. He asked if a B&B would be permitted. Cohen advised there would be a process to follow with the Land Use Board. Papazian advised whatever is permitted in the zone within the exception area would be permitted. He also asked if large greenhouses could be

installed in that area. Papazian advised that on preserved farms there is a max of 6 acres of greenhouses. He continued there may be other ordinances in the township with restrictions for size.

There were no additional questions.

Cohen provided a summation of the application and variances requested. He feels what is being proposed is a use that fits in with the Township of Alexandria and the surrounding properties.

Chair Rochelle asked for a discussion from the Board regarding the application. He advised the applicant is looking for 3 items for relief. He advised there will be two uses on the property and asked for Board input. **Canavan** advised that since it is 81 acres with a fair amount of space between the two uses, he doesn't see that it would be overbearing. **Freedman** pointed out that two uses had been in existence previously and asked if that was permitted previously. **Banisch** advised the two uses may have been permitted for research. Papazian advised that the town at the time liked the property being preserved and it was a ratable as well. **Chair Rochelle** asked for input on the two D-3 variances being requested and asked how the Board feels about the expansion of the B&B and not being owner occupied. **Tucker** felt since there is a suite for the inn keeper, who will live there and is part of the property it is almost like having the owner. She felt it is needed to change the size of the home for the B&B. She feels that property is a beautiful gem in the township. She feels it is bringing life back into the property in a way that is conducive to the area. **Chair Rochelle** advised that he felt it was a requirement for the owner to live on the property to help the farm owner generate income. **Hahola** commented he would much rather see training for dogs and not experiments on dogs.

Chair Rochelle asked for comments regarding the expanded size of the B&B, where one of the conditions of the ordinance does not allow expansion. **Canavan** advised he is still a little uncomfortable with whether this is called an Inn or B&B. He feels it is a commercial operation and not in keeping with the intent of the ordinance. **Pauch** asked if the maid service of the B&B would be taken care of by the inn keeper. Papazian advised yes it would be. No one else would be coming in to change the sheets or clean. The Board asked for the difference between a B&B and Inn. **Banisch** offered an opinion of the difference between the two. He believes an Inn offers more of a diner's experience, where tea in the afternoon is proposed on this site. He felt that the fact that the inn keeper will be residents of the home, makes it more akin to a B&B. Papazian advised there would not be a liquor license. He advised this is basically bedrooms to come and hangout at night and sight see during the day.

Kaczynski advised the Board that there also needs to be a preliminary and final site plan approval for the addition that will encompass the B&B. She commented on potential conditions that are in addition to the conditions imposed on those conditional uses. The maximum stay at the B&B is 14 days. There would be breakfast and tea in the afternoon only as discussed. Architectural drawings of the B&B will be provided. A condition of the B&B regarding room sizes will be consistent with Exhibit A-8, unless the applicant chooses to go smaller. The B&B would be restricted to 6 suites. There would be phasing of the kennel to be phase 1 and the B&B to be phase 2. That will provide that during resolution compliance the occupancy of the kennel would be allowed to proceed even though certain conditions relating to the B&B have not been met because of the delay for the architectural and possibly other issues. The rest of the non-exception area will remain agricultural use as required by law. In addition to the standard conditions. Another condition is no additional roadway access onto or from the property is permitted. **Giannone** added the condition that there be no firearm tactical training or discharging of firearms at any time. In addition, he added that he would like a condition of no more than 4 people per classroom for training. He added he does not want to see this turned into a generic training facility.

Kaczynski advised that the resolution of approval will add that the applicant is bound to all testimony and exhibits. **Giannone** asked for a condition of approval for a pull off area for the pump truck. Cohen advised he would need to ensure SADC approval. This condition was later retracted by the fire official. **Freedman** added to clear up the number of dogs permitted on the site with training. Cohen advised that he would be fine with 35 dogs, but only 30 dogs for boarding and an additional 5 dogs are permitted on site for training but not for boarding. **Kaczynski** summarized 30 dogs for boarding and no more than 35 dogs on site at any time.

Tucker made a motion to approve a D-1 variance with the conditions and testimony given and **Kimsey** seconded the motion. **Fritsche** recused himself at 10:00pm from the remainder of the application. **Ayes: Chair Rochelle, Freedman, Canavan, Tucker, Giannone, Pauch and Kimsey. No Nays. Motion Carried.**

Kimsey made a motion for the D-3 variance and **Tucker** seconded the motion to allow a non-owner to live and manage the B&B and the expansion of the existing building for the B&B. **Ayes: Chair Rochelle, Freedman, Canavan, Tucker, Giannone, Pauch and Kimsey. No Nays. Motion Carried.**

Tucker made a motion and **Pauch** seconded the motion to approve the preliminary and final site plan approval. **Ayes: Chair Rochelle, Freedman, Canavan, Tucker, Giannone, Pauch and Kimsey. No Nays. Motion Carried.**

Correspondence

None

Approval of the Bills

A motion was made to approve the bills for the professionals of the Land Use Board by **Canavan** and seconded by **Kimsey**. **Ayes: Chair Rochelle, Fritsche, Freedman, Canavan, Tucker, Giannone, Pauch, Kimsey and Hahola. No Nays. Motion Carried.**

Comments from the Board/Public

Canavan asked about the status of Delaware River Tubing. **Kaczynski** advised the application left off with the list of conditions for review. Delaware River Tubing is waiving the time period.

Motion to Adjourn

A motion was made by **Pauch** and seconded by **Fritsche** to adjourn at 10:08 pm. **Ayes: Chair Rochelle, Fritsche, Freedman, Canavan, Tucker, Giannone, Pauch, Kimsey and Hahola. No Nays. Motion Carried.**

Leigh Gronau, Board Secretary